

REMARKS

CLAIMS

REJECTION OF CLAIMS 1-27 UNDER 35 U.S.C. § 102(e)

Claims 1-27 were rejected under 35 U.S.C. 102(e) as being anticipated by Heitmann (US Pat. # 7,190,703). Applicants have noticed that in several instances, the Office Action has simply referenced paragraph numbers of one or more of the cited references in an attempt to show a teaching of the one or more elements and/or features recited in the claims. For example, the Office Action alleges that one or more paragraphs in a cited reference teach what is recited in a claim without specifically showing how the cited references teach each and every element and/or feature of that claim. Applicants respectfully submit that the Office Action must clearly show out how each and every element and/or feature of what is recited in each claim is taught by the cited references. Otherwise, the claim should be advanced to allowance.

CLAIMS 26-27

The Examiner has rejected independent Claim 26 and dependent Claim 27 without providing any type of argument or rationale whatsoever. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claims 26-27. As a consequence, the Applicants respectfully submit that Claims 26-27 contain patentable subject matter. If the Examiner wishes to maintain the rejection to Claims 26-27, the Applicants respectfully request that the Examiner should clearly show how each and every element of these claims are taught by Heitmann. Otherwise, the Applicants respectfully submit that Claims 26-27 contain patentable subject matter. Applicants would like to remind the

Examiner that any new argument presented with respect to Claims 26-27 should be submitted as a non-final office action.

DEPENDENT CLAIM 20 / NEW INDEPENDENT CLAIM 29

Regarding Claim 20, the Office Action merely states “regarding claim 20, note col.4, lines 31-44.” (*See* Office Action at page 4).

Claim 20 recites “the method of Claim 19 wherein said transmitting or receiving computing devices comprise residential voice over IP gateways.” After reviewing Heitmann, at col. 4, lines 31-44, the Applicants do not see how this passage discloses what is recited in Claim 20. Nowhere is there any mention of transmitting or receiving computing devices comprising “*residential voice over IP gateways*,” as recited in Claim 20. The passage at col. 4, lines 31-44 describe characteristics of a LAN (local area network), which has nothing to do with what is recited in Claim 20. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 20.

Furthermore, Heitmann’s corresponding transmitting or receiving computing devices are base stations (i.e., please see Heitmann at Fig. 1, BS1 and BS2, and see col. 4, lines 1-19) that are specifically designed and employed for use in a mobile communications network. Applicants respectfully submit that a base station does not teach a residential voice over IP gateway. Thus, for at least this reason alone, Heitmann does not teach or disclose what is recited in Claim 20.

Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 20. As a consequence, the Applicants respectfully submit that Claim 20 contains patentable subject matter.

Because of the patentable subject matter in Claim 20, the Applicants have incorporated Claim 20 into base Claim 19 as new independent Claim 29. If the Examiner wishes to maintain the rejection to Claim 29, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 29 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 29 contains patentable subject matter.

DEPENDENT CLAIM 21 / NEW INDEPENDENT CLAIM 30

Regarding Claim 21, the Office Action merely states “regarding claims 21 and 24-25, note col.7, lines 9-47.” (*See* Office Action at page 4).

Claim 21 recites “the method of Claim 19 further comprising storing into and recalling said adjustment parameter from a memory of said transmitting computing device or said receiving computing device.” After reviewing Heitmann, at col.7 , lines 9-47, the Applicants do not see how this passage discloses what is recited in Claim 21. Nowhere is there any mention of “storing into and recalling said adjustment parameter from a memory of said transmitting computing device or said receiving computing device,” as recited in Claim 21. Heitmann, at col. 7, lines 9-47 discloses nothing about “storing into and recalling said adjustment parameter from a memory,” as recited in Claim 21, for example. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 21. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 21. As a consequence, the Applicants respectfully submit that Claim 21 contains patentable subject matter.

Because of the patentable subject matter in Claim 21, the Applicants have incorporated Claim 21 into base Claim 19 as new independent Claim 30. If the Examiner wishes to maintain the rejection to Claim 30, the Applicants respectfully request that the Examiner should clearly

show how each and every element of Claim 30 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 30 contains patentable subject matter.

DEPENDENT CLAIM 22 / NEW DEPENDENT CLAIM 31

Regarding Claim 22, the Office Action merely states “regarding claim 22-23, note col.6, line 60 - col.7, line 3.” (*See* Office Action at page 4).

Claim 22 recites “the method of Claim 21 wherein said storing occurs at a rate determined by a user.” After reviewing Heitmann, at col. 6, line 60 - col.7, line 3, the Applicants do not see how this passage discloses what is recited in Claim 22. Nowhere is there any mention of “wherein said storing occurs at a rate determined by a user,” as recited in Claim 22. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 22. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 22. As a consequence, the Applicants respectfully submit that Claim 22 contains patentable subject matter.

Because of the patentable subject matter in Claim 22, the Applicants have added new dependent Claim 31 as depending on Claim 30. If the Examiner wishes to maintain the rejection to Claim 31, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 31 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 31 contains patentable subject matter.

Furthermore, Claim 31 depends on an allowable independent Claim 30. Thus, for this reason alone, the Applicants respectfully submit that Claim 31 is in condition for allowance.

DEPENDENT CLAIM 23 / NEW DEPENDENT CLAIM 32

Regarding Claim 23, the Office Action simply states “regarding claim 22-23, note col.6, line 60 - col.7, line 3.” (*See* Office Action at page 4).

Claim 23 recites “the method of Claim 23 wherein said storing occurs at a rate determined by a variability of the adjustment parameter over time.” After reviewing Heitmann, at col. 6, line 60 - col.7, line 3, the Applicants do not see how this passage discloses what is recited in Claim 23. Nowhere is there any mention of “wherein said storing occurs at a rate determined by a variability of the adjustment parameter over time,” as recited in Claim 23. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 23. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 23. As a consequence, the Applicants respectfully submit that Claim 23 contains patentable subject matter.

Because of the patentable subject matter in Claim 23, the Applicants have added new dependent Claim 32 as depending on Claim 30. If the Examiner wishes to maintain the rejection to Claim 32, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 32 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 32 contains patentable subject matter.

Furthermore, Claim 32 depends on an allowable independent Claim 30. Thus, for this reason alone, the Applicants respectfully submit that Claim 32 is in condition for allowance.

DEPENDENT CLAIM 24 / NEW DEPENDENT CLAIM 33

Regarding Claim 24, the Office Action simply states “regarding claims 21 and 24-25, note col.7, lines 9-47.” (*See* Office Action at page 4).

Claim 24 recites “the method of Claim 21 wherein said recalling occurs after power cycling or power shut down.” After reviewing Heitmann, at col.7, lines 9-47, the Applicants do not see how this passage discloses what is recited in Claim 24. Nowhere is there any mention of “wherein said recalling occurs after power cycling or power shut down,” as recited in Claim 24. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 24. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 24. As a consequence, the Applicants respectfully submit that Claim 24 contains patentable subject matter.

Because of the patentable subject matter in Claim 24, the Applicants have added new dependent Claim 33 as depending on Claim 30. If the Examiner wishes to maintain the rejection to Claim 33, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 33 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 33 contains patentable subject matter.

Furthermore, Claim 33 depends on an allowable independent Claim 30. Thus, for this reason alone, the Applicants respectfully submit that Claim 33 is in condition for allowance.

DEPENDENT CLAIM 25 / NEW INDEPENDENT CLAIM 34

Regarding Claim 25, the Office Action simply states “regarding claims 21 and 24-25, note col.7, lines 9-47.” (*See* Office Action at page 4).

Claim 25 recites “the method of Claim 19 wherein said frequency controlling hardware comprises a numerically controlled oscillator.” After reviewing Heitmann, at col. 7, lines 9-47, the Applicants do not see how this passage discloses what is recited in Claim 25. Nowhere is there any mention of “wherein said frequency controlling hardware comprises a numerically

controlled oscillator,” as recited in Claim 25. Therefore, for this reason alone, Heitmann does not teach what is recited in Claim 25. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claim 25. As a consequence, the Applicants respectfully submit that Claim 25 contains patentable subject matter.

Because of the patentable subject matter in Claim 25, the Applicants have incorporated Claim 25 into base Claim 19 as new independent Claim 34. If the Examiner wishes to maintain the rejection to Claim 34, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 34 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 34 contains patentable subject matter.

CLAIMS 1-5

Regarding independent Claim 1, the Office Action states:

Heitmann teaches a system for transmitting time sensitive data (i.e., a system for synchronization of base stations as shown in figure 1) from at least a first node (i.e., base station BS1) to at least a second node (i.e., BS2) comprising a processor used to process At least a first time request (i.e., a time request message ZA1) and at least a second time request (i.e., a time request message ZA2), and to generate at least a first absolute time (i.e., up-to-date time information ZI1) and at least a second absolute time (i.e., up-to-date time information ZI2), respectively, for said at least a first node and said at least a second node (col.5, lines 6-24).

Claim 1 recites “a system for transmitting time sensitive data from at least a first node to at least a second node comprising a processor used to process at least a first time request and at least a second time request, and to generate at least a first absolute time and at least a second absolute time, respectively, for said at least a first node and said at least a second node.”

The Applicants respectfully disagree with the Office Action's interpretation and/or characterization of the base stations (BS1 and BS2) disclosed in Heitmann. Heitmann's base stations (BS1 and BS2) do not teach "a first node" and "a second node" as recited in Claim 1 because a base station is different from a node. As described and supported by the specification of the present Application, a node may comprise an endpoint or computing device (see paragraphs 06 and 19 of the present Application). The computing device may comprise a residential VoIP gateway (see paragraph 21). Thus, for at least this reason, the Applicants respectfully submit that Heitmann does not teach what is recited in Claim 1. As a consequence, the Office Action does not show a teaching of what is recited in Claim 1. Therefore, Claim 1 contains patentable subject matter. Consequently, the Applicants request the allowance of Claim 1.

Claim 3 recites "the system of Claim 2 further comprising a memory used by said processor in running and executing said NTP software program." Regarding Claim 3, the Office Action merely refers the Applicants to col. 5, lines 37-40 of Heitmann. Applicants have reviewed col. 5, lines 37-40 of Heitmann; however, nowhere do the Applicants find any disclosure of "a memory used by said processor in running and executing said NTP software program." As a consequence, the Applicants believe that Claim 3 contains patentable subject matter. Thus, the Applicants request allowance of Claim 3. If the Examiner wishes to maintain this rejection, he must show a teaching of each and every element and/or feature recited in Claim 3.

Claim 5 recites "the system of Claim 4 wherein said voice band data comprises fax or modem data." Regarding Claim 5, the Office Action merely refers the Applicants to col. 4, lines 31-44 of Heitmann. Applicants have reviewed col. 4, lines 31-44 of Heitmann; however

nowhere do the Applicants find any disclosure of “wherein said voice band data comprises fax or modem data.” As a consequence, the Applicants believe that Claim 5 contains patentable subject matter. Thus, Applicants request allowance of Claim 5. If the Examiner wishes to maintain this rejection, he must show a teaching of each and every element and/or feature recited in Claim 5.

As a result of providing the foregoing argument with respect to independent Claim 1, the Applicants may not have commented on all the remarks made by the Examiner regarding dependent Claims 2-5, but reserve the right to do so in the future should the need arise. However, since Claims 2-5 depend on allowable Claim 1, the Applicants respectfully submit that Claims 1-5 are in condition for allowance. The Applicants respectfully request allowance of Claims 1-5.

CLAIMS 6-10

Regarding independent Claim 1, the Office Action states:

Regarding claims 6, Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a telecommunication system comprising synchronizing said at least first and said at least second computing devices to an NTP server (i.e., the switching device or time information server synchronizing the base stations BS1 and BS2, col.5, lines 6-24 and col.5, line 57 through col.6, line 15).

Claim 6 recites “a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a telecommunication system comprising synchronizing said at least first and said at least second computing devices to an NTP server.” The Applicants request the Examiner to refer to Applicants’ argument for Claim 1. The

Applicants respectfully disagree with the Office Action's interpretation and/or characterization of the base stations (BS1 and BS2) disclosed in Heitmann. Heitmann's base stations (BS1 and BS2) do not teach "computing devices" as recited in Claim 6 because a base station is different from a computing device. As described and supported by the specification of the present Application, a computing device may comprise a residential VoIP gateway (see paragraph 21). Thus, for at least this reason, the Applicants respectfully submit that Heitmann does not teach what is recited in Claim 6. As a consequence, the Office Action does not show a teaching of what is recited in Claim 6. Therefore, Claim 6 contains patentable subject matter. Consequently, the Applicants request the allowance of Claim 6.

As a result of providing the foregoing argument with respect to independent Claim 6, the Applicants may not have commented on all the remarks made by the Examiner regarding dependent Claims 7-10, but reserve the right to do so in the future should the need arise. However, since Claims 7-10 depend on allowable Claim 6, the Applicants respectfully submit that Claims 6-10 are in condition for allowance. The Applicants respectfully request allowance of Claims 6-10.

CLAIM 10 / NEW INDEPENDENT CLAIM 35

The Examiner has rejected dependent Claim 10 without providing any argument or rationale whatsoever. Consequently, the Applicants respectfully submit that the Office Action has not shown a teaching of what is recited in Claims 10. As a consequence, the Applicants respectfully submit that Claim 10 contains patentable subject matter. If the Examiner wishes to maintain the rejection to Claim 10, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 10 is taught by Heitmann. Otherwise, the

Applicants respectfully submit that Claim 10 contains patentable subject matter. Because of the patentable subject matter in Claim 10, the Applicants have incorporated Claim 10 into base Claim 6 as new independent Claim 35. If the Examiner wishes to maintain the rejection to Claim 35, the Applicants respectfully request that the Examiner should clearly show how each and every element of Claim 35 is taught by Heitmann. Otherwise, the Applicants respectfully submit that Claim 35 contains patentable subject matter. Applicants would like to remind the Examiner that any new argument presented with respect to Claim 10 should be submitted as a non-final office action.

CLAIMS 11-17

Regarding Claims 11-17, the Office Action states:

Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising: requesting absolute time from an NTP server (i.e., sending a time request message to a switching device or time information server); receiving said absolute time; and inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least a first computing device to said at least second computing device (col.5, line 57 through col.6, line 15). Regarding claims 12-15, note col.4, lines 31-44. Regarding claims 16-17, note col.7, lines 9-47.

Independent Claim 11 recites “a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising requesting absolute time from an NTP server, receiving said absolute time, and inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize

said at least first computing device to said at least second computing device.” The Applicants respectfully submit that Heitmann, at col. 5, line 57 through col. 6, line 15 does not disclose “inputting an adjustment parameter derived from said absolute time into a circuitry to synchronize said at least first computing device to said at least second computing device,” as recited in Claim 11. The Applicants request the Examiner to refer to Applicants’ argument for Claim 1 since Heitmann’s base stations (BS1 and BS2) do not teach the computing devices recited in Claim 11. Thus, for at least this reason, the Applicants respectfully submit that Heitmann does not teach what is recited in Claim 11. As a consequence, the Office Action does not show a teaching of what is recited in Claim 11. Therefore, Claim 11 contains patentable subject matter. Consequently, the Applicants request the allowance of Claim 11.

Regarding dependent Claim 15, the Office Action references Heitmann, at col. 4, lines 31-33. However, the Applicants do not see where Heitmann discloses “wherein said at least first and at least second computing devices comprise *residential voice over IP gateways*,” as recited in Claim 15. As a consequence, the Office Action does not show a teaching of what is recited in Claim 15. Therefore, Claim 15 contains patentable subject matter. Applicants would like to remind the Examiner that he must show a teaching of each and every element and/or feature of Claim 15 if he wishes to maintain this rejection.

Regarding dependent Claims 16-17, the Office Action references Heitmann, at col. 7, lines 9-47. However, the Applicants do not see where Heitmann discloses a “frequency oscillator,” as recited in Claim 16 or a “numerically controlled oscillator,” as recited in Claim 17. As a consequence, the Office Action does not show a teaching of each and every element of what is recited in either Claim 16 or Claim 17. Therefore, Claims 16-17 contain patentable subject matter. Consequently, Applicants request allowance of Claims 16-17. Again, the Applicants

would like to remind the Examiner that he must show a teaching of each and every element and/or feature of a claim in order to maintain his rejection to that claim.

As a result of providing the foregoing argument with respect to independent Claim 11, the Applicants may not have commented on all the remarks made by the Examiner regarding dependent Claims 12-17, but reserve the right to do so in the future should the need arise. However, since Claims 12-17 depend on allowable Claim 11, the Applicants respectfully submit that all of Claims 11-17 are in condition for allowance. The Applicants respectfully request allowance of Claims 11-17.

CLAIM 18

Regarding Claim 18, the Office Action states:

Heitmann teaches a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising: receiving absolute time requests from said at least first and at least second computing devices; and transmitting said absolute time to said at least first and at least second computing devices; wherein said absolute time is used to synchronize said at least a first and at least a second computing devices (col.5, lines 6-24 and col.5, line 57 through col.6, line 15).

Claim 18 recites “a method of transmitting time sensitive data from at least a first computing device to at least a second computing device in a communication system comprising receiving absolute time requests from said at least first and at least second computing devices, and transmitting said absolute time to said at least first and at least second computing devices, wherein said absolute time is used to synchronize said at least a first and at least a second

computing devices.” The Applicants respectfully submit that Heitmann, at col. 5, lines 6-24 and col. 5, line 57 through col. 6, line 15 does not disclose “*said at least first and at least second computing devices*,” as recited in Claim 18. The Applicants request the Examiner to refer to Applicants’ argument for Claim 1 since Heitmann’s base stations (BS1 and BS2) do not teach the “said at least first and said at least second computing devices” recited in Claim 18. Thus, for at least this reason, the Applicants respectfully submit that Heitmann does not teach what is recited in Claim 18. As a consequence, the Office Action does not show a teaching of what is recited in Claim 18. Therefore, Claim 18 contains patentable subject matter. Consequently, the Applicants request the allowance of Claim 18.

REJECTION OF CLAIM 28 UNDER 35 U.S.C. § 102(b)

Claim 28 was rejected under 35 U.S.C. 102(b) as being anticipated by Hostetter et al. (US. Pat. #: 5,450,395).

Regarding independent Claim 28, the Office Action states:

Regarding claim 28, Hostetter et al. ("Hostetter") teaches a method of improving the signal to noise ratio of voice band data comprising synchronizing one or more computing devices to an NTP server (col.1, lines 55-60).

See Office Action at page 4.

Claim 28 recites “a method of improving the signal to noise ratio of voice band data comprising synchronizing one or more computing devices to an NTP server.”

Applicants have reviewed Hostetter, at col. 1, lines 55-50, and have been unable to find where Hostetter discloses “an NTP server,” as recited in Claim 28. The Applicants respectfully submit that “synchronizing one or more computing devices to an NTP server,” is not disclosed in Hostetter. As a consequence, Claim 28 recites patentable subject matter. Applicants respectfully

Application No. 10/654,798
In Response to Office Action Mailed on June 5, 2007
Response Dated: September 5, 2007

submit that unless the Examiner is able to teach each and every element of what is recited in Claim 28, the rejection to Claim 28 should be withdrawn and Claim 28 should be allowed. Thus, Applicants request the allowance of Claim 28.

Application No. 10/654,798
In Response to Office Action Mailed on June 5, 2007
Response Dated: September 5, 2007

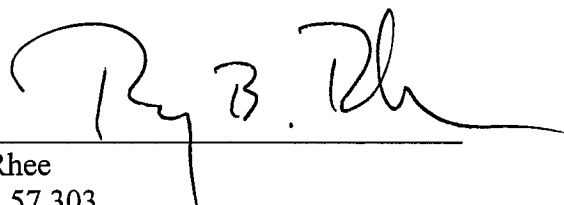
CONCLUSION

Based on at least the foregoing, the Applicants believe that Claims 1-35 are in condition for allowance. A Notice of Allowance is courteously solicited. Should anything remain in order to place the present Application in condition for allowance, or should the Examiner disagree or have any question regarding this submission, the Examiner is kindly invited to contact the undersigned at (312) 775-8246.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: September 5, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roy B. Rhee", is written over a horizontal line.

Roy B. Rhee
Reg. No. 57,303

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661-2565
Telephone: (312) 775-8246
Facsimile: (312) 775-8100